

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FELLOWES, INC.,

Plaintiff,

vs.

AURORA CORP. OF AMERICA,

and,

AURORA OFFICE EQUIPMENT, LTD.

Defendants.

Civil Action No.: 07 C 7237

Judge: Charles P. Kocoras

Magistrate Judge: Arlander Keys

JOINT STATUS REPORT

A. The Date And Time This Matter Is Set For A Status Hearing Before The Court.

A status hearing is set for March 6, 2008, at 9:30 a.m.

B. The Attorneys Of Record For Each Party:

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C. The Basis Of Federal Jurisdiction

The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

D. Whether A Jury Has Been Requested And By Which Party.

A jury has been demanded by the Plaintiff.

E. A Brief Statement Of The Nature Of The Case Including:

1. The major factual and legal issues in agreement:

At this time the parties agree on jurisdiction and the fact that the patents-in-suit were issued.

2. The major factual and legal issues in dispute.

At this time the parties dispute the validity and enforceability of the asserted patents, and dispute infringement and the extent of damages. The parties will also likely dispute the appropriate construction to be given to various asserted patent claims.

F. The Relief Sought By Any Party, Including Computation Of Damages, If Available.

Fellowes seeks monetary damages and a permanent injunction. Aurora seeks declaratory judgment of invalidity, unenforceability, and noninfringement. Both parties seek an award of attorney fees and expenses under 35 U.S.C. § 285.

G. The Name Of Any Party Who Or Which Has Not Been Served, And Any Relevant Facts Or Circumstances Related To Service Of Process On Such Party.

AURORA OFFICE EQUIPMENT, LTD. is also an alleged infringer. Defendant's counsel is not authorized to accept service for this company. Fellowes is advised that serving this Chinese company through the Hague Convention may take 2-3 months from now.

H. A Brief Description Of All Anticipated Motions And Other Filings.

1. Protective Order. The parties expect to submit a stipulated protective order for the Court's approval by March 17, 2008.
2. Markman Issues. The parties anticipate Markman briefing on disputed claim terms.
3. Fellowes will be amending its complaint to add a continuation patent on the safety switch that is expected to issue on March 14th.
4. Aurora Office Equipment, Ltd. will likely dispute personal jurisdiction.

Plaintiff's Proposal

- April 14, 2008: Fellowes serves and files infringement contentions.
Modifications may be made only with good cause.
- April 28, 2008: Defendants serve and file invalidity contentions.
Modifications may be made only with good cause.
- May 1, 2008: Simultaneous exchange of Proposed Terms and Claim Elements for Construction.
- May 14, 2008: Simultaneous exchange of Preliminary Claim Constructions.
- June 11, 2008: Plaintiff shall serve and file its Opening Claim Construction Brief.
- June 26, 2008: Defendant shall serve and file its Responsive Brief.
- July 14, 2008: Plaintiff shall serve and file its Reply Brief.
- July 21-25, 2008: Claim Construction Hearing.

Defendant's Proposal

- May 1, 2008: Simultaneous exchange of Proposed Terms and Claim Elements for Construction.
- June 2, 2008: Simultaneous exchange of Preliminary Claim Constructions.
- June 30, 2008: Parties shall file a Joint Claim Construction Statement which sets forth the parties' proposed claim constructions
- July 30, 2008: Completion of claim construction discovery.
- August 14, 2008: Plaintiff shall serve and file its Opening Claim Construction Brief.
- August 28, 2008: Defendant shall serve and file its Responsive Brief.
- September 4, 2008: Plaintiff shall serve and file its Reply Brief.
- September 18, 2008: Claim Construction Hearing.

4. Summary Judgment motions: The parties also anticipate potential motions for summary judgment. *See* schedule, below.

I. A Proposed Discovery Plan Pursuant To Fed. R. Civ. P. 26(F), Including A Brief Description Of What Discovery Has Been Taken, If Any, What Remains To Be Taken, A Schedule For Expert Designations And Discovery, And A Proposed Discovery Cutoff.

1. Date by which the initial Rule 26(a)(1) disclosures of witnesses, documents, itemized damage computations and insurance will be completed (if not already completed).

Initial disclosures are due March 20, 2008.

2. Whether discovery should be conducted in phases, or limited to or focused upon, particular issues.

Plaintiff's Proposal

Discovery opens after March 20, 2008. Fact discovery will end with all responses being served within 45 days after the claim construction ruling.

Defendant's Proposal

As from claim construction discovery, discovery will be conducted in two phases: fact and expert.

3. The date by which each party shall disclose the identity of expert witnesses and their reports under Rule 26(a)(2)(A) and (B).

The parties shall designate experts for issues on which they have the burden of proof before the opening of expert discovery.

Plaintiff's Proposal:

Expert discovery closes 75 days after the claim construction ruling. 90 days after the claim construction ruling initial expert reports are due. Rebuttal reports are due 104 days from the claim construction ruling.

Defendant's Proposal

Expert Reports on issues for which the party bears the burden of proof will be served four weeks after the Court's ruling on claim construction. Rebuttal Reports will be served four weeks after the due date for the Expert Reports.

4. Deadline for completion of discovery

Plaintiff's Proposal

Fact discovery closes 45 days after the claim construction ruling. Expert discovery closes 75 days from the claim construction ruling.

Defendant's Proposal

Fact discovery will be concluded TBD. Expert discovery will be concluded four weeks after the due date for Rebuttal Reports.

5. Deadline for dispositive motions.

Plaintiff's Proposal

Dispositive motions are due 150 days from the claim construction ruling.

Defendant's Proposal

Motions for Summary Judgment, if any, will be filed by four weeks after the Court's ruling on claim construction. Responses will be filed four weeks after the motions. Replies will be filed two weeks after the Responses.

J. The Earliest Date The Parties Would Be Ready For Trial And The Probable Length Of Trial.

Plaintiff's Proposal

The parties will be ready for trial by April, 2009 and would expect a trial to last 6-8 days.

Defendant's Proposal

The parties will be ready for trial by July, 2009, and would expect a trial to last approximately 5 -7 days.

K. The Status Of Any Settlement Discussions And Whether A Settlement Conference With The Court Would Be Useful.

The parties have discussed settlement without success.

L. Whether The Parties Will Consent To Trial Before A Magistrate Judge.

The parties do not plan to accept trial with a magistrate at this time.

Date: March 5, 2008

Respectfully submitted,



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